

REMARKS

I. Prior prosecution

The office action ("the action") to which this paper is filed in response was mailed August 21, 2007. At the Office Action Summary page of the action box 1 is checked indicating that this action is responsive to communication(s) filed on "28 February 2007 and 29 January 2007." At page 2 of the action, the examiner notes that "[a] request for continued examination under 37 CFR 1.114 ... was filed in this application after final rejection." After noting that the application is eligible for continued examination and that the proper fee was timely paid, the examiner withdrew finality of the previous Office Action and stated at the end of the paragraph, "Applicant's submission filed on February 28, 2007 has been entered."

The applicants submit that the action fails to indicate receipt of applicants' amendment filed August 10, 2007, and therefore does not address the arguments made in that amendment, the declaration evidence submitted with the amendment or the allowability of new claim 79 submitted in the amendment. A copy of the image file wrapper for the application as shown in PAIR indicates receipt of the of this August 10, 2007 submission in the Patent Office. See Exhibit A hereto.

II. Status of the Claims

The examiner maintained rejection of claims 53, 55 and 57 under 35 U.S.C. §103(a) over Cham et al. (Australian Patent No. 57853/80). The status of claim 79 is unknown.

II. The rejection under 35 U.S.C. § 103 (a) over Cham et al. must be withdrawn.

The examiner rejected claims 53, 55 and 57 under 35 U.S.C. § 103 (a) over Cham et al. (Australian Patent No. 57853/80). In setting out the basis for the rejection, the examiner raised no new grounds over those of record in the office action dated April 13, 2007.

Applicants respectfully request reconsideration of the rejection in view of the amendments, arguments and evidence made of record in the submission dated August 10, 2007, a copy of which is attached hereto (Exhibit B). The applicants believe that the August 10, 2007 submission effectively overcomes the rejection as set out in the previous and current office action and submit that the rejection must be withdrawn.

IV. Conclusion

For the foregoing reasons, applicants request withdrawal of all outstanding rejections and allowance of the pending claims. No other fees are believed to be due with the filing of this paper. However, the Director is authorized to charge any additional fees deemed necessary to Deposit Account No. 13-2855, under order number 28594/41530.

If the examiner believes that a telephone conversation would expedite allowance of the claims, she is invited to contact the undersigned at the number below.

Dated: February 21, 2008

Respectfully submitted,

By 

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